

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARA-Rios, Marco Antonio

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

08 MAR 21 AM 10:05

FILED
08 MJ 0884
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about, **January 02, 2008**, within the Southern District of California, defendant, **LARA-Rios, Marco Antonio**, an alien who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States without the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Deportation Officer

Immigration & Customs Enforcement (ICE)

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21st** DAY OF **March 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On January 02, 2008, the defendant identified as **LARA-Rios, Marco Antonio** was apprehended by the United States Border Patrol for illegal entry into the United States. This apprehension took place near Tecate, California approximately five miles east of the Tecate, California Port of Entry. Record checks revealed that the defendant was a parole violator, a parole hold was issued, and he was booked into San Diego County Jail for PC 3056 VIOLATION OF PAROLE. On January 03, 2008, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from State custody. On Thursday March 20, 2008, at approximately 9:45 a.m. the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file, revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on January 09, 2003, and physically removed to Mexico on the same day via the Nogales Port of Entry. Furthermore, the defendant's order of removal was reinstated on December 26, 2007 and he was physically removed to Mexico via the Calexico Port of Entry on or about December 28, 2007. Record checks also indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as LARA-Rios, Marco Antonio, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Defendant was advised of his rights per "MIRANDA" in the Spanish language and agreed to answer questions without counsel present. Defendant admitted he is a citizen of Mexico, he does not have legal documents to enter the United States legally, and that he was removed from the United States on two occasions and had not obtained a waiver in order to re-enter the United States. Defendant further admitted that after his last deportation, he entered the United States illegally on or about January 2, 2008, a foot, through the hills near Tecate. Defendant stated he returned to the United States to stay with his wife and children.

All information indicates that the defendant is a citizen of Mexico having been previously removed and has no legal right to enter or reside in the United States. Based upon the foregoing information, there is probable cause to believe that LARA-Rios, Marco Antonio has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.